

ADMINISTRATION DEPARTMENT

MEMORANDUM CRA

DATE: June 9, 1999

TO: Harry Venis, Mayor
Jim Bush, Vice Mayor
Kathy Cox, Councilmember
Judy Paul, Councilmember
Richard Weiner, Councilmember

THRU: Robert Rawls, Interim Town Administrator

VIA: Will Allen, Programs Administrator

BY: Glenn Irwin, Redevelopment Administrator

RE: Conceptual agreement to County CRA concerns

On May 5, 1999 the CRA directors of Davie, Ft. Lauderdale, and Hollywood met with the County Administrator and his staff and worked out a conceptual compromise in regards to the County's concerns on CRA's. The County Administrator was concerned that present CRA's could expand without County approval (given the flexible State definition of slum and blighted conditions) and how this affected the County's future budget due to State mandated contributions to CRA's tax increment trust funds. The original County position wanted CRA's to reduce the County's share of tax increment contributions, review and remove existing powers of CRA's, monitor CRA's activities, and required an extensive review of redevelopment plan modifications and for new areas requesting to be classified as redevelopment areas. The three major points that were conceptually agreed upon are: 1) Any boundary expansion shall be subject to approval of the Board of Broward County Commissioners, 2) any extension to the term of the redevelopment plan involving the continuing contribution by the taxing authorities beyond the date of original plan adoption, as may have been amended, shall be negotiated between each existing community redevelopment agency's local governing body and the Board of Broward County Commissioners, 3) the annual report shall include a comparison of redevelopment plan goals, objectives, and policies to annual program accomplishments and an analysis comparing current year tax base to the base year, in addition to the statutorily required financial statements.

Item 1 may not be applicable to the Davie CRA for quite a while as we did a major expansion in 1994 and a smaller expansion in 1997. Item 2 will require additional negotiating with the County to better detail. Presently, the Town's CRA has been receiving tax increment funds for the past 10 years and we amended the ordinance in 1997 to allow the Davie CRA to receive tax increment funding for an additional

30 years. By the authority delegated to the County in 1988, the Town has the authority to extend this issue by an additional 20 years without County approval, if the Town so desires. The County has challenged these previously approved delegations and believes that it has the power to remove them as a home rule charter county. But rather than fight this issue in the courts, the County is willing to negotiate a compromise.

The 3rd item regards the information to be provided to the County in an annual report. Presently, all CRA's are required to provide an annual report to the State and taxing authorities. The Davie CRA has provided more than the minimum requirements so this item should not be a problem. The Davie CRA has endorsed the approval of these three items to reach a compromise with the County.

One other item that the CRA's have requested of the County is the need for a definition of what constitutes a "substantial modification." County staff have put this item to the side, but it is a major item, impacting the CRA's in the County. This issue would only become an issue for Davie if we added additional property to the redevelopment area and only the plans for this area would be subject to a "substantial modification." Our existing redevelopment area is not presently subject to any review by the County and would continue not to be subject to any review by the County in the future. But, in order to provide some assurances if the Davie CRA was ever to expand again, it is recommended that the enclosed definition for "substantial modification" be included in this resolution.

The County Commission will be meeting on June 29th to discuss the CRA issues in Broward County. The County staff is requesting that the local governing bodies (Town Councils) of each affected municipality to approve these conceptual statements and the County would then consider them for approval, too. The legal counsels for the CRA's have recommended that such consent by the local governing bodies should be in a resolution format only, and not an interlocal agreement.

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING CERTAIN PRINCIPLES OF UNDERSTANDING AND CRITERIA TO BE RECOMMENDED TO THE BOARD OF COMMISSIONERS OF BROWARD COUNTY IN THEIR CONSIDERATION OF PROPOSED PROCEDURES GOVERNING THE COUNTY'S REVIEW OF COMMUNITY REDEVELOPMENT AGENCY'S APPLICATION AND PLANS PURSUANT TO CHAPTER 163, Part III, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Part III of the Community Redevelopment Act of 1969, Florida Statutes, as amended (the Act), a procedure and process is already created to formulate a workable program for utilizing appropriate private and public resources in order to eliminate and prevent the spread of slums and urban blight, to encourage needed community rehabilitation, and to provide for the redevelopment of slum and blighted areas in accordance with such provision; and

WHEREAS, pursuant to the Act, the Town has created a Community Redevelopment Agency (CRA) and identified a certain area as its community redevelopment area; and

WHEREAS, the Town has been successful in implementing redevelopment within the community redevelopment area; and

WHEREAS, the Town has agreed to certain principles and wishes to encourage and recommend additional principles developed to assure that the proposed regulations will not deter the purpose of the Act which in part is to dedicate a "source of funding for the redevelopment of areas suffering from slum or blight, or be unnecessarily burdensome" on CRAs.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie endorses the following principles of understanding regarding the administration and operation of those municipalities having established Community Redevelopment Agencies with Broward County as of the effective date of this resolution:

- a. Any future expansion of the boundary of a community redevelopment area shall require the approval of the Board of County Commissioners.
- b. Any extension in the duration of the original or a currently amended redevelopment plan that would continue tax increment contributions from the taxing authorities to a community

redevelopment area shall after a date certain (still to be negotiated) require the approval of the Board of County Commissioners.

c. The Annual Report of the Community Redevelopment Agency shall include a comparison of redevelopment plan goals, objectives and policies to annual program accomplishments, and an analysis comparing the taxable values of the current year tax base to the base year. This is in addition to the statutorily required financial statements.

Section 2. That the Town Council of the Town of Davie recommends that for those municipalities now and in the future that are required to seek the review and approval of the Board of County Commissioners of an amendment or modification to a redevelopment plan involving substantial change, that the term "substantial" be defined as:

a. A substantive amendment to a Community Redevelopment Plan shall be reviewed and approved by the Board of County Commissioners after adoption by the local municipal governing body. A substantive amendment requiring such approval of the Board shall mean: 1) an expansion to the boundary of the community redevelopment area, or 2) an extension to the term of the redevelopment plan involving the continuing contribution by the tax authorities, or 3) any changes to the redevelopment plan of such magnitude that would require a land use plan amendment.

It is understood this section would only apply to property within the Town of Davie that would be added to the redevelopment area after the date of the approval of this resolution.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

SECTION 4: That the Town Clerk is hereby authorized to deliver a copy of this Resolution to each member of the Board of County Commissioners of Broward County.

PASSED AND ADOPTED THIS _____ DAY OF _____, 1999.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 1999.